

INFORMATION LETTER

NATIONAL CANNERS ASSOCIATION

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For Members
Only

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60,309 Foreign Workers at Work in Agricultural Jobs

The total number of foreign workers employed in agriculture under the farm labor program of the U. S. Department of Agriculture on July 12 was 60,309. This total included 40,236 Mexicans, 453 Canadians, 11,113 Jamaicans, 4,839 Bahamians, 151 British Honduras, 2,887 Barbadians, and 630 Newfoundlanders. Mexicans were being employed in the Western and North Central States, Jamaicans in the Midwestern and Northeastern States, Bahamians and Barbadians along the Eastern seaboard, and the Canadians and Newfoundlanders in the Northeastern States.

Reports received by the Association this week indicate that the potato late blight is still doing some damage to the tomato crop in certain areas. However, the hot, dry weather is helping to control the disease. See story on page 293.

BAE reported this week that wage rates for hired farm workers on July 1 were 8 percent higher than a year earlier and were the highest on record. Wage rates on July 1 were 331 percent above the 1935-39 average and 390 percent more than the 1910-14 average. Details on page 293.

Total acreage of green peas sown for canning in 1946 was nearly a thousand acres less than the acreage planted last year, the Association's Division of Statistics announced Thursday. The Division's report is reproduced on page 293.

Russia is seeking to develop and expand its fish resources through greater utilization and by extensive research, the U. S. Department of Commerce reported this week. (See story on page 289.)

Army Purchase Plans Named

The Army has announced that it will buy all of its requirements for canned fruits and vegetables on a negotiated basis this year, instead of a bid basis as was previously tried earlier this spring with a few commodities. Under the proposed program, the Quartermaster Corps will set up field offices operating out of the QMC depots at Stockton, Calif., Chicago, Ill., and New York, N. Y. Central procurement of most canned fruit will be made from the QMC depot at Stockton or from a field office which probably will be located at San Francisco, Calif. Canned vegetables will be purchased through the Chicago QMC depot, while special commodities and some canned fruits, mainly apple products, will be bought through the New York QMC depot.

Postwar retrenchment has made drastic cuts in the purchasing organization of the Quartermaster Corps, making it necessary to seek close cooperation and aid from industry in making procurements out of this (See *Army Purchase Plans Named*, Page 289)

House and Senate Conference Deadlocked Over OPA Bill

House and Senate conferees working on legislation to revive and extend the Price Control and Stabilization Acts, after four days of consideration, still were deadlocked as the INFORMATION LETTER went to press. The deadlock reportedly was centered around the insistence of Senate conferees that immediate decontrol of specific food products be retained and the insistence of House conferees that no discretion be authorized in adjusting prices for production cost increases. The subject went to conference on July 16 following Senate passage of H. J. Res. 371 on July 12.

Hearings Set to Discuss 1947 Alaskan Fishery Regulations

Secretary of the Interior J. A. Krug this week announced a series of hearings to be held during September in Alaska, and on November 14, in Seattle, Wash., by the Fish and Wildlife Service to enable Pacific Coast fishermen to discuss proposed changes in the Alaska commercial fisheries regulations for 1947. The hearings are scheduled as follows:

Alaska—Kodiak, September 10; Anchorage, September 13; Cordova, September 16; Juneau, September 20; Sitka, September 23; Klawak, September 25; Wrangell, September 27; and Ketchikan, September 28. The hearing at Seattle, Wash., will be held November 14.

Discussion of trapsite limitations, on which hearings were started in Washington, D. C., on February 21, 1946, will be postponed until

later, with the exception of questions concerned with the new section 201.26, which was originally proposed in the Secretary of the Interior's order of March 6, 1946. This section contains provisions which will serve to exclude from any trapsite a person who held a permit for that site in 1946 but who, instead of occupying it himself, leased or assigned it without bearing all or a substantial part of the expenses and financial risk involved in the installation, care, service and use of the trap. Official text of the notice of hearings and the amendment to the Secretary's order follows:

1. Notice is hereby given that hearings on proposed amendments to the Alaska Commercial Fisheries Regulations for the 1947 season will be held in Alaska and in Seattle, Washington, as follows:

Kodiak	September 10
Anchorage	September 13
Cordova	September 16
Juneau	September 20
Sitka	September 23
Klakwak	September 25
Wrangell	September 27
Ketchikan	September 28
Seattle	November 14

2. The resumption of hearings with respect to trapsite limitations which commenced in Washington, D. C., on February 21, 1946, will be postponed until further notice, except so far as testimony may be offered with respect to the following provisions proposed (pursuant to notice given on March 5, 1946) for inclusion in the Alaska Commercial Fishing Regulations for 1947:

(a) Change the date of April 15, 1946, in § 201.23 to January 1, 1947.

(b) Change paragraph (a) of § 201.24 to read "the provisions of § 201.25 and 201.26."

(c) Add a new § 201.26 to read:

No person who in the fishing season 1946 held a permit for a trapsite and did not himself occupy such site but instead leased or assigned such site to another person under arrangements by which the permit holder did not bear all or a substantial part of the expenses and financial risk involved in the installation, care, service, and use of the trap shall be allowed to occupy, lease, or assign such site. The Secretary or his authorized representative may, however, in exceptional cases authorize occupation of such site for good cause shown. Any trapsite occupied, leased, or assigned in violation of this section will be closed.

(d) Renumber § 201.26 to § 201.27.

Virginia Canner Dies

John W. Taylor, 80, died July 2 after a prolonged illness. He was the president and founder of the John W. Taylor Packing Co., Inc., Hallwood, Va., a large packer of sweet potatoes.

Frozen Fish Stocks Held in Cold Storage Are Reported

Holdings of frozen and cured fish in cold storage on July 1, 1946, totaled 120,024,000 pounds as compared with 102,912,000 pounds on June 1, 1946, and 73,439,000 on July 1, 1945, according to the U. S. Department of Agriculture. The following table lists, by varieties, the quantities of frozen and cured fish held in cold storage during the respective period:

SPECIES	July 1, 1945	June 1, 1946	July 1, 1946
	1,000 lbs.	1,000 lbs.	1,000 lbs.
Salt water fish:			
Bait and animal food.	2,337	3,645	2,138
Bluefish.....	18	133	333
Butterfish.....	90	148	140
Cod, haddock, hake, pollock, whale.....	1,193	1,437	1,469
Croakers.....	221	566	1,580
Eels.....	31	145	157
Fillets (miscellaneous)	7,993	16,320	16,951
Flounders (inc. fillets)	1,398	2,652	2,220
Halibut.....	15,634	10,191	17,563
Herring, sea.....	1,599	2,191	2,544
Mackerel (Boston, including fillets).....	4,200	2,471	4,218
Mullet.....	111	1,031	965
Sablefish (black cod).....	923	2,163	2,721
Salmon (all species).....	2,254	3,804	4,535
Seep (porgies).....	861	716	883
Sea trout (weakfish, gray and spotted).....	131	752	1,533
Shad and shad roe.....	482	610	1,047
Smerits (sea).....	1,612	1,471	1,378
Swordfish.....	203	326	206
Whiting (including fillets).....	5,301	3,665	6,379
Miscellaneous salt-water fish.....	6,779	10,984	10,671

Fresh water fish:			
Bait and animal food.	535	1,185	1,325
Blue pike and sauger (including fillets).....	103	129	90
Catfish and bullheads.....	30	124	122
Chubs.....	86	411	385
Lake herring and cisco (including fillets).....	111	2,055	1,528
Lake trout.....	70	710	614
Pickerel, jacks or yellow jacks.....	93	136	131
Sturgeon and spoonbill cat.....	32	132	220
Suckers.....	9	33	40
Tullibee.....	22	487	256
Yellow perch (including fillets).....	15	88	44
Yellow pike (or wall-eye) (including fillets).....	20	176	145
Whitefish.....	315	1,077	1,073
Miscellaneous fresh-water fish.....	541	1,104	1,107

Shellfish:			
Lobster tails (spiny lobster).....	58	242	233
Scallops.....	360	558	707
Shrimp.....	2,457	6,974	6,584
Squid.....	1,237	1,681	2,106
Miscellaneous shellfish	674	2,002	2,079

Frozen fish, total..... 58,438 84,725 97,420

Cured fish, total..... 15,001 18,187 22,604

Total, all fish.... 73,439 102,912 120,024

Forthcoming Meetings

July 23—National Kraut Packers Association, Annual Meeting, Hotel Reiger, Sandusky, Ohio.

July 24-August 2—Association of New York State Canners, Inc., Canning Technicians School, New York State Experiment Station, Geneva, N. Y.

August 13-16—Vegetable Growers Association of America, 38th Annual Convention, Horticultural Hall, Boston, Mass.

August 21-24—National Food Distributors Association, Annual Convention and Exhibit, Hotel Sherman, Chicago, Ill.

October 10-12—Florida Canners Association, 15th Annual Meeting, Sheraton-Plaza Hotel, Daytona Beach, Fla.

October 17-19—National Association of Food Chains, 13th Annual Meeting, Drake Hotel, Chicago, Ill.

November 3-7—Super Market Institute, Annual Convention, Hotel Stevens, Chicago, Ill.

November 11-12—Wisconsin Canners Association, Schroeder Hotel, Milwaukee, Wis.

November 15—Ozark Canners Association, Fall Meeting, Colonial Hotel, Springfield, Mo.

November 21-22—Indiana Canners Association, Inc., Fall Meeting, Claypool Hotel, Indianapolis.

December 4-5—Tri-State Packers Association, Annual Fall Convention, Benjamin Franklin Hotel, Philadelphia, Pa.

December 6-7—Iowa-Nebraska Canners Association, Hotel Fort Des Moines, Des Moines, Iowa.

December 10-11—Ohio Canners' Association, Annual Convention, Deshler-Wallick Hotel, Columbus.

January 19-24, 1947—National Canners Association, 40th Annual Convention, Atlantic City, N. J.

February 6-7—Ozark Canners Association, 39th Annual Convention, Colonial Hotel, Springfield, Mo.

March 3-7, 1947—National Association of Frozen Food Packers, Annual Convention, San Francisco, Calif.

Death Takes Salmon Canner

James Wilson Parks, 69, died recently at a Seattle hospital after an illness of several months. Mr. Parks was a salmon canner for a number of years and established the Western Fishery Company at Cordova, Alaska, in 1922, and also operated the Park Canning Company at Kodiak.

Soviet Union Seeks to Expand Fishing Industry by Greater Utilization of Resources and through Research, Report Shows

Soviet Union fish resources were more effectively utilized during the war years than formerly, according to reports by the Soviet press analyzed by the U. S. Department of Commerce. This is credited to the cooperation of ichthyologists, oceanographers, and the fishing industry. Scientists studied new areas, developed new methods of fish control, and helped the industry solve current problems.

Scientific experiments in the transplanting of fish from one sea to another were made. In 1935 gray mullet was transplanted from the Black Sea to the Caspian Sea, where it thrives today.

A lack of sea animal life that provides food for fish was noted in the Caspian some years ago. Several species of worms and mollusks which were transplanted from the Azov Sea to the Caspian in 1939-40 now provide food for such valuable species as the sturgeon.

New fishing areas have been opened up. The catch of sprats in the northern Caspian is now six or seven times as large as that in prewar years. Bonito fishing in the Black Sea and "saida" (pollock) in the northern waters have also been developed.

The Soviet Institute of Fisheries and Oceanography is expanding its branches and increasing its activities. Developments of fishing port facilities, canneries, and refrigerating facilities are taking place in the Far East, Sakhalin, and the Kurile Islands. Work is being done on the docks of Nikolaevsk (on the Amur River) and Petropavlovsk. A big refrigerating plant is being completed in Komsomolsk on the Amur.

The fishing industry of the Murmansk area is reopened. Plans for 1946 include the restoration of a fishing combine, shore installations, and a shipbuilding dock.

Fishing docks are being erected in Azov, Kerch, Mariupol, Osipenko, and Kherson. Airplanes, "blimps," divers, and even a submarine are being placed at the disposal of the fishing industry. Electric-magnetic apparatus will be used in the Barents Sea for locating and following the fish.

The Institute has also been conducting research in the field of canning. During the war it produced a formula for fish concentrates, which was used extensively by the Red Army.

The Institute has also developed a method for obtaining vitaminized oil

from the viscera and other fish waste to replace the cod-liver-oil production which was curtailed by war operations in the Barents Sea.

ARMY PURCHASE PLANS NAMED

(Concluded from page 287)

year's pack of canned fruits and vegetables.

Green and wax beans, corn, and tomatoes will be the first canned vegetables to be bought by the Army this season. The estimated requirements, basis No. 2's, are 1,129,650 cases of green and wax beans, 1,268,000 cases of corn, and 1,022,500 cases of tomatoes.

Next on the Army's shopping list will be the following quantities of canned fruits, basis No. 2½'s: Pears, 508,000 cases; berries, 154,000 cases; apples, 267,000 cases; fruit cocktail, 190,000 cases; applesauce, 233,000 cases; apricots, 78,500 cases; grapefruit segments, 183,850 cases; and citrus juices, 512,000 cases.

Later this summer the Army also will be in the market for the following quantities of canned vegetables, basis No. 2's: Lima beans, 197,000 cases; beets, 641,000 cases; carrots, 232,500 cases; pumpkin, 52,500 cases; sauerkraut, 515,500 cases; sweet potatoes, 97,500 cases; and lye hominy, 33,500 cases.

Other government agencies buying from the Army this year will want the following quantities of canned vegetables, basis No. 2's: Peas, 373,750 cases; spinach, 72,500 cases; tomato paste, 66,000 cases; tomato puree, 146,000 cases; tomato catsup, 237,500 cases, and tomato juice, 124,000 cases. These agencies also have requirements for the following canned fruits, basis No. 2½'s: Peaches, 167,000 cases; pineapple, 162,000 cases; pineapple juice, 88,000 cases, and sweet cherries, 325,000 cases.

The procurement for other government agencies, which include the Navy, Marine Corps, Maritime Commission, Veterans Bureau, and the Treasury Department, will be made by the Army through its field buyers. The U. S. Department of Agriculture will continue to purchase canned fruits and vegetables for UNRRA, the School Lunch Program, and will aid foreign missions with their procurement problems, when necessary.

Alaska Salmon Pack Report

The following table, prepared from statistics compiled by the U. S. Fish and Wildlife Service, shows the pack of Alaska canned salmon, by regions and varieties, through July 6, 1946, as compared with a similar period in 1945:

	July 6, 1946	July 7, 1945
Districts	Cases	Cases
Western Alaska.....	270,152	267,277
Central Alaska.....	198,938	438,372
Southeastern Alaska.....	3,788	33,458
Total.....	472,878	739,107
Species		
King.....	22,586	27,044
Red.....	403,238	521,273
Pink.....	9,220	109,174
Chum.....	37,434	79,317
Coho.....	460	2,299
Total.....	472,878	739,107

Frozen Fruit and Vegetable Stocks Held in Cold Storage

Stocks of frozen fruits in cold storage on July 1, 1946, totaled 291,923,000 pounds as compared with 278,109,000 pounds on June 1, 1946, and 169,518,000 pounds on July 1, 1945, according to the U. S. Department of Agriculture.

Frozen vegetable stocks on July 1, 1946, amounted to 173,469,000 pounds as compared with 144,573,000 pounds on June 1, 1946, and 91,029,000 pounds on July 1, 1945. The following table furnishes details by commodities:

	July 1, 1945	June 1, 1946	July 1, 1946
FROZEN FRUITS	1,000 lbs.	1,000 lbs.	1,000 lbs.
Apples.....	36,561	49,162	41,072
Blackberries.....	4,585	9,813	11,198
Cherries.....	9,531	10,002	12,032
Young, Logan, Boysen,	3,392	4,097	6,658
Raspberries.....	4,333	7,457	7,717
Strawberries.....	38,131	36,080	59,839
Grapes.....	6,222	8,913	7,506
Plums and prunes.....	4,268	11,609	11,346
Peaches.....	10,277	44,042	39,016
Fruit juices and purées.	15,513	21,159	20,584
Apricots.....	3,865	20,332	18,006
Blueberries.....	1,713	11,579	9,415
All other fruits.....	31,047	43,174	46,034
Total.....	160,518	278,109	291,923
FROZEN VEGETABLES			
Asparagus.....	14,530	13,866	20,361
Beans, lima.....	3,921	5,225	4,205
Beans, snap.....	4,862	8,040	7,628
Broccoli.....	4,197	15,093	14,265
Cauliflower.....	1,609	5,454	5,020
Corn, sweet.....	5,406	8,969	7,077
Peas, green.....	17,107	18,317	37,695
Spinach.....	15,804	24,436	26,815
Brussels sprouts.....	1,678	3,076	2,593
Pumpkin and squash.....	4,913	5,105	4,851
Baked beans.....	1,972	743	677
Vegetable purées.....	603	654	652
All other vegetables.....	14,326	35,595	41,624
Total.....	91,029	144,573	173,469

CANNERS PARTICIPATION IN FOOD STANDARDS HEARINGS

By H. THOMAS AUSTERN

EDITOR'S NOTE:—The following discussion is believed to be of general interest to processors of all fruits and vegetables. It has been excerpted from the introductory remarks of H. Thomas Austern, counsel for the National Canners Association, at the recent meeting of corn canners Chicago, Ill., to consider procedures in preparation for the forthcoming hearings by the Food and Drug Administration on the proposed revised standards of identity, quality and fill of container for canned corn. (See INFORMATION LETTER for July 6, pages 271 and 276.)

Since its enactment in 1938 a great deal has been written about the new Food, Drug, and Cosmetic Act, and of this, much has been concerned with the standard making procedure.

Among lawyers the legislative provisions for the development of standards of identity and minimum standards of quality are considered legally unique. In the first place, there are few peacetime Congressional enactments which give to administrative officials as wide a scope of authority to issue regulations having the force of law as do the provisions of Sections 401 and 701 of the Food and Drug Act.

In the second place, in few statutes are the standards, or the legal guides to govern the action of administrative officials, as vaguely stated; and in no other law is the peculiar process of legislating by litigation established in exactly the way in which it is set up in the Food and Drug Act. Lastly, in the ten years since its passage the prevailing legal theories according to which both the Government and the food industry have sought to carry on have shifted in many important ways.

However interesting all of this may be to lawyers, it has important, practical dollar-and-cents importance to food processors. I was one of those who insistently urged upon Secretary Carlos Campbell that before the next standard-making proceeding got under way it would be highly desirable, if not essential, to do several things: *First*, to seek to bring home to those canners who would be affected, some of the significant things about the proceeding; *second*, to coordinate, insofar as humanly possible, the efforts of all those who were interested in the product being standardized, and, *third*, to crystallize well in advance precisely what the National Canners Association, and particularly its scientific staff and general counsel, could most effectively do to assist this group of canners. As Dr. Cameron has told you, it now turns out that the corn canners are slated to be the guinea pigs for this operation. I might add that the recent hearing on a proposed standard of identity and standard of quality for green and wax beans in many respects illuminated the problems with which it is hoped this meeting will deal.

In the modest hope that this preliminary presentation may serve to focus attention sharply on what must be done, and perhaps to facilitate the discussions to be held, I should like to talk over with you a number of aspects of the forthcoming hearing which seem to me to need stressing.

At the outset, I should like to plead as earnestly as I can for a better realization of both the consumer interest in these proceedings and the seriousness and permanence of the economic impact of the standards which will emerge from these hearings. If a canner were confronted with a law suit in which there might be entered a judgment for a substantial part of his net worth, I am confident that he would not take the matter casually. Neither should he so take these standard hearings. To pursue this analogy, if the law suit might involve not only the payment of a substantial sum of money at the present time but might also result in a charge upon everything he might do or earn for years to come, it cannot be questioned that any man confronted with this situation would be gravely concerned, would regard it as one of his major problems, and would start doing everything in his power to get ready for the day of trial.

Yet in the five years preceding the war, when the standard making proceeding for canned foods was extremely active, it is extraordinary how deultory was the attention given, how fragmentary was the effort, and how seemingly detached was the attitude of many canners.

Corn Canners to Be Controlled

Perhaps the simplest way to make my point is to say this: The operations of every corn canner in the United States for at least a decade will be controlled by what is done at this forthcoming hearing. What he may pack, how he may pack it, how he may label and how many different labels a given pack will require, what part of his total pack from year to year will have to take the crêpe label, in large measure the cost of important parts of his operations, and the ultimate return he may get for his season's efforts—all of these will be dependent upon what administrative officials will formally decide in this proceeding. *

Specifically, I urge upon you the necessity for the most intensive preparation for these hearings, the desirability of holding as many interim meetings as may be necessary before the hearing, and the essentiality of getting to Washington not less than a week in advance so that testimony can be prepared and coordinated.

Too often in the past, in these standard hearings canners from vari-

ous sections have failed to reach agreement among themselves as to what recommendations to make to the Administrator. It has been suggested that this may have been due to the zeal or perhaps the persuasion of counsel for the various groups. It is a fact that frequently conflicting testimony has been put in. Whenever this occurs you may take it as a legal absolute that the Administrator is free to accept the testimony of his own officials or of any particular industry group and can do so with almost complete freedom on this state of the record.

The statute requires that there be "substantial evidence of record." This means to a lawyer that there be evidence—and not protests and argument. Evidence means cold facts. Necessarily, in this field, there must be interpretation of the facts. This is either the job of the qualified scientific expert or trade expert or, so far as argument from facts is concerned, for the trained lawyer. Too many canners seem to think that an appearance at the hearing or the presentation of evidence means simply that they come and voice their protests. This has been the chief weakness in much that has been done up to date. Let me assure you that a table of results of analysis covering a comprehensive segment of the pack is, as evidence, worth twenty witnesses voicing their opinion that a proposal is unreasonable. One flow-chart of a cannery, or pictures of cannery machinery, is better evidence of why a proposed requirement cannot be met by good manufacturing practices than repeated vague assertions by any number of canners.

Another aspect of this same problem is that nothing is more confusing than different testimony about a great deal of wholly different data. In dealing with food products for food and drug standard purposes, Congress itself recognized that having identical samples is a key requirement. When goods are seized, both the statute and the regulations permit the man whose goods are seized to secure a portion of the official sample so that he may examine and testify about the same lot of goods as will the Government.

These same principles should apply in the presentation of information for the far more sweeping and certainly more important business of formulating standards to control an industry for many years in the future. It is only a matter of common sense that if a canner gives samples to a government official for use in preparation for a standard hearing that he retain a generous sample from each of the lots given to the Government for use by himself and by those who act in his interest at the same hearing. It is only common sense that whenever he offers information, either general or specific, about his pack for these purposes, that he make a memorandum of what he has said and send a copy of

it to the Association's Laboratories for their illumination. Likewise, it serves no useful purpose for one canner to give to a government inspector samples bordering on a standard-substandard line, and for another canner to give samples reflecting a cross-section of his entire pack. The result is only confusion and out of this confusion the possibility of administrative action on inadequate data and the practical loss of the procedural safeguards afforded by the law.

I hope I may also be forgiven for saying a word about amateur lawyers. In the profession there is a rather arrogant proverb to the effect that any man who attempts to act as his own attorney usually has a fool for a client. Whether this is true or not, I can assure you that nothing is more frustrating than carefully to make a record on a given point in a food standard hearing only to have some canner whom you have been trying to help ask a lot of questions and completely fudge the record—which up to that point may have been reasonably clear. I am not suggesting that the practice of free questioning at these hearings be abandoned. I am suggesting that if adequate time is afforded for preparation with counsel, it might be regarded as desirable to let the fellow who is presumably trained and experienced carry the ball on cross-examination.

Related to this plea is a professional trade secret. It is a commonplace in law practice that any type of case or proceeding is usually won or lost in the preparation and not in the trial. The plain fact is that neither important litigation nor important standard-making can be played "by ear." This means that the data to be discussed must be carefully studied in advance by people competent to evaluate its probative value and perhaps to find its weaknesses and strength. No competent lawyer will present to a hearing officer data which he himself thinks is vulnerable. Moreover, he will not ask one qualified witness to sponsor someone else's work, even if he had so little respect for rules of evidence as to attempt it.

Just How the N.C.A. Can Help

This leads me to say that if a helpful job is to be done by any part of the canning industry at a hearing, a good job must be done on the assembly and examination and coordination of the basic data. Just how the National Canners Association and its Laboratory can assist in this effort is for this meeting to consider. From the point of view of the lawyer, however, I would like to offer the following suggestions as perhaps indicating the ideal:

Insofar as possible the industry should have samples and information paralleling that known to have been obtained by the Government.

The industry data should all be ex-

amined by a common method, by equally competent people, and tabulated and presented in uniform fashion.

A sharp line of demarcation should be drawn between the assembly of data and its interpretation, and particularly argument about it.

Scientific witnesses should be permitted to state their opinion about the methods used. Scientific witnesses should not, however, be drawn into discussions about the commercial effects of any proposals. Questions of trade practice—questions of what can or cannot be done as a matter of practical cannery operation—should be dealt with by practical cannery witnesses, and this job should not be mixed up with the work of the scientific witnesses.

There should, so far as possible, be no basis for controversy as to scientific results. Necessarily, there may be differences of opinion as to practical operating questions, and differences of opinion as to the commercial and economic impact of a particular requirement on different areas. But if a given testing method—in the hands of a competent scientist—yields a given result, this should not be a matter for argument among canners.

Trade Testimony as Measuring Rod

The trade testimony should be developed as a measuring rod. Industry evaluation of samples—in terms of commercial grading, in terms of growing conditions, in terms of processing techniques—should be the yardstick for interpretation of the scientific results. Specifically, if we know that particular samples—according to industry and trade evaluation—are deemed clearly above the standard line, the data offered by scientific witnesses and the data offered by trade witnesses can be correlated. We can say that a given AIS level, for example, is the point at which the trade evaluation would draw the line. If the trade witnesses agree that a given group of samples is clearly substandard, these samples can be identified to tie into a particular level in the scientific data. The only place where differences of opinion may exist should be in the various commercial evaluations and not in the scientific tables against which they will be compared.

Lastly, it is a great deal better if the entire presentation—if what everybody is going to say—is completely coordinated. Practically, this can be done only by centralizing the responsibility for the preparation and the conduct of the hearing.

My remaining observations consist of a brief primer on the law. I have already mentioned what constitutes evidence.

It might be well to indicate how basically confusing is the problem of deciding what is a "factor of identity" and what is a "factor of quality." To put this another way, how can it be

determined what legally belongs in a standard of identity and what belongs in a standard of quality? If you are not too clear about this, you may take comfort in the fact that nobody else, lawyer or layman, government official or processor, has ever been entirely clear. Fruit canners commercially regard syrup density as a matter of quality. The administrator made it—and it is now the law of the land—a factor of identity. Offhand, one might say that whether a can of peas was or was not artificially colored was a matter of identity. The canned pea standards make it a matter of quality. Up to a month or so ago I thought that uniformity of size of cut pieces in canned green beans was a question of quality. Today I am not quite clear, after the bean hearing, whether it is identity or quality or perhaps both. In the case of corn, as you will learn, the question of consistency of cream style corn may be a matter of either identity or quality.

These are not legal abstractions. Every change in identity, that is, every new identity factor, may mean an additional set of labels and additional costs in segregation of pack and ultimately increased cost to the consumer. Every quality factor may mean at some level the difference between a regular and a crêpe label. The balancing of these interests is inherently difficult.

Just to make the matter somewhat more confusing—both to the lawyer and the canner—the Government some years ago introduced the concept of an "optional form of ingredient." As near as I can tell this may or may not be debatable, depending upon the form it takes. It may simply mean, as in the canned pea standards, that several standards of identity are rolled into one. On the other hand, it may mean, as in the case of tomato puree, that the Government is in reality controlling methods of manufacture and not any distinguishable identity differences in the finished product. Use of starch in canned corn may raise the same questions. I mention these points because they illustrate the necessity for a lot of hard thinking, not only the day or so before a hearing, but well in advance of it.

Issue of "Common or Usual Name"

Another question of considerable legal importance—and again legal confusion—is the issue of the "common or usual name." Many of you may remember the proposal to call all golden bantam corn "yellow" corn. Naively, I always thought the common or usual name of a canned produce was the name under which it had gone. This would mean that if you proved how the product had been labeled in the past, you proved its common or usual name. Unfortunately, and in many instances because some products are labeled very differently in different parts of the country, these questions of nomenclature

are not easy. Once again, some intelligent and hard thinking is needed.

Legally, every standard must be "reasonable". This requires evidence—and I mean evidence, and not protest and argument—as to why a particular requirement would be unreasonable. This means evidence as to operating difficulties, increased costs, effects upon growers, etc.

Another statutory protection which you should keep in mind is the requirement that in prescribing any standard of quality "consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable." Thus where a varietal difference may mean that a requirement would be reasonable for one section but onerous and unreasonable for another, the job is to present precise evidence as to why the growing conditions and manufacturing procedures are different. This type of evidence is very important legally, and has not been as fully stressed as it perhaps could have been.

Basically, the ultimate legally relevant issue is what will promote "honesty and fair dealing in the interest of consumers." I don't know what this means, and after ten years I know less than I thought I knew when the law was passed. In the first place, I don't know how to prove what is in the interest of consumers. The Government appears to dismiss lightly, evidence as to what the canner thinks on this point. It does not regard as too important the fact that a particular product has sold, or that it has been accepted by the consumer. On past experience the Administrator seems to regard highly the opinion testimony—usually not backed by either broad experience or any specific survey of a particular product—of professional consumer witnesses or representatives of consumer groups. I do not see how the testimony of a government official, where he has made no consumer survey, is any better evidence than that of a canner. Yet Food and Drug officials in hearings usually testify as to what is in the interest of the consumer.

N.C.A. Can Contribute to Solution

It seems to me that we must lick this fundamental problem if we are to achieve the degree of participation in formulating these standards which Congress contemplated the industry and the public at large was to have. Marjorie Black is here today, and it is my hope that after we explore the issues which may arise in these forthcoming corn standards here, we may be able to work out some method whereby the Home Economics Division of the National Canners Association can contribute to the solution of this problem. For example, on the question of what constitutes good workmanship in the canning of corn—as measured by the presence or absence

of so-called objectionable defects—I would suppose that some method could be worked out for us to find out by actual checking with consumers what

they as a group believe. It may be that statistically or even practically this is just a pipe dream. But it should be carefully canvassed.

PROVISIONS OF THE FOOD, DRUG, AND COSMETIC ACT GOVERNING SHIPMENTS OF UNLABELED FOODS EXPLAINED

The present delays in deliveries of labels may make it necessary for many canners to ship unlabeled merchandise where buyers are not able to furnish their labels to the canner at the proper time. In this situation it is believed that special attention should be called to the provisions of the Federal Food, Drug, and Cosmetic Act governing shipments of unlabeled merchandise.

Section 405 of the Federal Food, Drug, and Cosmetic Act and the regulations issued under that section provide that under certain conditions food which is to be processed, labeled, or repacked elsewhere may be shipped without labels in interstate commerce. The regulations provide that such unlabeled goods may be shipped without meeting any special requirements where the person who ships the unlabeled goods is the operator of the establishment where such food is to be processed, labeled or repacked. But where the shipper of the goods does not operate the plant where the goods are to be processed, labeled or repacked, there must be a written agreement between the selling canner and the person to whom the shipments are made, setting forth detailed specifications for the recanning, if any, and for the labeling of the unlabeled canned foods. These specifications must be such that, if followed, they will insure that the product will not be adulterated or misbranded after it has been processed, recanned and labeled.

The required agreement between the canner and the person to whom the shipments are made must be kept available for inspection until all the shipment has been removed from the establishment where the processing, repacking and labeling takes place. Failure to produce this agreement at the request of an officer or employee of the Food and Drug Administration may result in the shipment of unlabeled goods being declared unlawful.

Canners who ship unlabeled goods should be sure to obtain some form of written agreement from the buyer setting forth the buyer's plans for repacking or labeling and certifying that when recanned or labeled the goods in the shipment will comply in all re-

spects with the Food, Drug, and Cosmetic Act. It is desirable that, if possible, the buyer attach to the agreement copies of the labels which will be used.

NEW ASSOCIATION MEMBERS

The following firms have been admitted into membership in the Association since July 6, 1946:

American Foods, Inc., Buffalo, N. Y.
B & F Canners Coop., Fredonia, N. Y.
Custom Canners, San Jose, Calif.
John C. Jackson, Friday Harbor, Wash.
Lyndan Products Co., Inc., Castle Division, Lyons, N. Y.
Marietta Fisheries, Inc., Marietta, Wash.

Telephone Priority Rescinded

Priorities for long distance telephone calls concerning the supply or movement of food were terminated July 15 by an order issued by the Board of War Communications. By the Board's action, Priority 3, the priority pertaining to food, is dropped entirely from the system of wartime priorities.

A system of priorities for certain classes of long distance telephone calls was established by Order Number 20 of the Board of War Communications on November 1, 1942 (See INFORMATION LETTER for November 7, 1942, page 7223).

Corey Heads Hormel Firm

H. H. Corey, vice president and general manager for George A. Hormel & Co., Austin, Minn., for the past eight years has been elected president of that firm. Mr. Corey, prominent in the food industry for some time, was once an All-American football player at the University of Nebraska and served as a coach at Indiana University a few years ago.

New Bulletin on Economic Aspects of Growing Canning Peas

The Wisconsin Agricultural Experiment Station has issued an excellent bulletin which should be of interest to canners who either contract the growing of all their peas or those who contract most of this acreage and grow peas on their own farms. The bulletin, *Economic Aspects of Canning Peas in Wisconsin*, Research Bulletin No. 158, was written by agricultural economists from the standpoint of cost of production, returns to growers, and the place of pea growing in the farming operations of Wisconsin.

Copies of the bulletin may be obtained from the Director, Wisconsin Agricultural Experiment Station, Madison, Wisc.

The publication discusses trends in acreages, yields and yield variability and attempts to point out the factors which have influenced these trends. The detailed costs of growing peas and returns during 1944 are summarized in tabular form, and canners in other districts may be interested in comparing their own costs and returns with those of Wisconsin, as shown by this bulletin.

Two sections of the bulletin which may be of particular interest are "Canners Services to Growers and Company vs. Farmer Grown Peas." The table shown below illustrates the type of information which is presented in tabular form in the bulletin.

SERVICES FURNISHED TO GROWERS IN 1944 BY 27 CANNING COMPANIES			
Service furnished	Percent of companies furnishing service	Percent of growers using service	
Drill with fertilizer attachment	93	72	
Mowing	81	45	
Green crop loader	50	8	
Dusting for blight	93	14	
Trucks with drivers	89	53	
Field pitchers	63	34	
Viner pitchers	100	86	
Viner stackers	100	97	
Sell fertilizer	75	*	

* Number unknown.

Late Blight Still Affecting Tomato Crop in Some Areas

Reports received by the N.C.A. Raw Products Bureau from States where infestations of potato late blight have damaged the tomato crop indicate the fungus is still alive on the lower foliage in low wet spots and in fields with poor air drainage due to location or where weeds have not been controlled. However, it has been hot and dry enough during the past 10 to 12 days so that the fungus has been killed in the better cultivated fields in most of these tomato growing areas.

Canners who still have local infections of blight are urged to contact their State pathologists in order to obtain the best information on control methods.

The long-range weather forecast indicates continued hot and dry weather with scattered local thundershowers for the areas where the blight has been prevalent. Because of these weather conditions, canners can wait for cooler and wet weather before attempting to dust all their tomato acreage by plane, plant pathologists state. Canners should be prepared, however, to dust their acreage later, in August or September, if there is reinfection at that time and many of the State pathologists feel that due to heavy infection on host plants, late blight is likely to recur on the late crop during that period.

Reports from blight infected areas show that appreciable acreage was dusted a week to 10 days ago with 7 percent fixed copper dusts which did prevent spread of blight from the foliage to the fruit, and where there was a set of 3 to 5 tons per acre, this was a very profitable operation. However, in those fields where weeds were as high as tomato plants and the foliage did not dry out, there was so much blight on the fruit that dusting was of doubtful value.

1946 Canning Pea Acreage

The actual planted acreage of green peas sown for canning in 1946 totaled 412,581 acres as compared with 413,411 acres in 1945, according to the Association's Division of Statistics. The following table, which is based on reports from all canners known to have planted peas for canning, lists the total acreage by States and by Alaskas, Early Sweets, and Late Sweets and does not include peas grown for freezing, brining, or other purposes:

	Alaskas	Sweets			Total
		Early	Late	Acres	
Maine		1,677	677	2,354	
New York	245	13,323	15,785	29,353	
Maryland	8,624	1,767	1,950	12,341	
Delaware and New Jersey	3,415	20	1,951	5,386	
Pennsylvania	7,597	2,696	4,621	14,914	
Ohio	4,883	990	841	6,714	
Indiana	7,160	647	50	7,857	
Illinois	6,504	4,966	10,413	21,883	
Michigan	1,947	6,745	3,039	11,731	
Wisconsin	65,280	25,650	61,466	152,396	
Minnesota	10,537	2,691	22,412	35,640	
Utah and Idaho	99	3,535	10,778	14,412	
Washington and Oregon	10,421	11,032	50,855	72,308	
Other States	9,330	6,661	9,301	25,292	
Total	136,042	82,400	194,139	412,581	

Wage Rates of Hired Farm Workers Highest on Record

Wage rates of hired farm workers in the United States on July 1 were 8 percent higher than a year earlier and the highest on record, the Bureau of Agricultural Economics reported on July 12, 1946. Since April 1, wage rates have risen 10 percent, about double the usual increase during the quarter. Wage rates were 331 percent of the 1935-39 average for this date and 390 percent of the 1910-14 average.

In the Nation as a whole, the number of hired workers on July 1 was about 7 percent larger than a year earlier. A total of 11,586,000 persons were employed on farms on July 1, including farm operators and family labor, 4 percent more than on July 1, 1945. The composition of the total farm labor force, however, was somewhat different from that of a year earlier. This year, in contrast to the situation last year, about a million returned veterans were at work on farms. Substantially fewer foreign workers were employed than last year. The total of foreign nationals employed on July 1 was 58,000, compared with the July 1, 1945, total of 78,000 foreign workers and 70,000 prisoners of war. No prisoners of war were employed on farms on July 1 this year.

Wage rates have advanced rapidly since 1941. On July 1, 1941 daily wage rates without board averaged \$1.98 compared with the present rate of \$4.84. The advance in farm wage rates appeared to be slowing down in the last half of 1945 and the first quarter of 1946. However, along with the increases in industrial wage rates during recent months, farm wage rates have again climbed.

Wage rates in all geographic regions were higher on July 1 than on either April 1 or July 1 a year earlier. In only the East South Central region were wage rates on July 1 less than three times as high as in the 1910-14 period. In the Pacific Coast States they were over four times as high.

USDA Meat Board Report

Meat production under Federal inspection for the week ended July 13 totaled 327,000,000 pounds, according to the U. S. Department of Agriculture. This production was more than double the 149,000,000 pounds in the preceding week and 21 percent above the 271,000,000 pounds produced during the corresponding week of last year.

CONGRESS SUMMARY

Larceny Bill Passed

The Senate passed on July 17 a House bill to amend the law relating to larceny in interstate commerce and sent the measure to the White House. The amendment restates the present law and adds a provision opposed by the Attorney General in a letter to the Chairman of the Senate Committee on the Judiciary which comments:

"The purpose of the new provision (sec. (a)(5)) apparently is to prohibit embezzlement or unlawful conversion of money collected by the employee. For example, it would apparently apply to any employee riding on a vehicle transporting property which was moving in interstate commerce even though the vehicle itself was moving in intrastate commerce. Thus, the employee of a local transfer company who hauls a trunk or other baggage from a railroad station to the place where the owner wished it delivered might violate this section of the bill if he collected a fee for such hauling and converted it to his own use. In my opinion, this is not a proper subject for Federal legislation, since it covers offenses of a purely local nature which should be handled by local courts. It is quite possible that the enactment of this provision into law would result in a serious congestion of the dockets of the district courts of the United States without any apparent justification therefore."

Hobbs Bill Signed

The President signed on July 3 the so-called Hobbs anti-racketeering bill. This amendment to the Anti-Racketeering Act of 1934 makes robbery or extortion in interstate commerce, or a conspiracy, participation, or threat of physical violence in connection with robbery or extortion, a felony punishable by imprisonment up to 20 years or a fine of not more than \$10,000, or both.

British Loan Approved

On the same day (July 15), the President signed the \$3,750,000,000 British loan. Under Secretary of State Dean Acheson and British Ambassador, Lord Inverchapel, exchanged notes making the loan effective. The House had passed the measure on July 13 by a vote of 219 to 155.

Agricultural Research Programs

Legislation designed to augment the agricultural research programs of the Department of Agriculture and to integrate the marketing functions of the Department was passed by the House on July 15. The bill (H. R. 6932) is a composite of measures in-

troduced by Chairman Flannagan of the House Committee on Agriculture and by the ranking minority member of the Committee, Representative Hope.

OPA Funds Cut

Appropriations for the Office of Price Administration, if that agency should be revived, were cut by the Senate on July 16 from the House-approved figure of \$106,650,000 for the

fiscal year that began July 1 to \$56,650,000. The appropriation is carried in the third deficiency measure along with funds for Philippine war damage and rehabilitation and extension of the farm labor supply program until June 30, 1947. These, and many supplemental appropriations for various agencies also contained in the bill, are now pending before a Conference Committee.

Iowa State Sets Up Research Center in Guatemala to Study Central American Plants Important to United States

The Iowa State College is establishing a tropical research center at Antigua, Guatemala, for the study of crops originating in Central America which are of importance to Midwestern agriculture in the United States, according to an article by Dr. Charles E. Friley, president of Iowa State College, published in this month's issue of *Agriculture in the Americas*. The researchers will relate primarily to the broader aspects of agriculture and the natural sciences, with initial emphasis on maize and other economic plants known to be indigenous to Central America and Southern Mexico. Following these studies, it is hoped the program may later be expanded to include the investigation of such other problems as new forage plants, erosion control, nutrition, and forestry. The program will be developed in cooperation with a group of distinguished citizens of Guatemala, with the approval of the Guatemalan Minister of Agriculture.

Establishment of the research center climaxes two years of plant exploration and preliminary corn research,

begun in Guatemala early in 1944 by Dr. Irving E. Melhus, Head of the Department of Botany and Plant Pathology at the Iowa State College, and Dr. George Goodman, formerly Associate Professor in the Department. Doctors Melhus and Goodman studied the corns and other plants in Mexico and Guatemala. Before they returned home, they made trial plantings at Finca Barcena in cooperation with the National School of Agriculture in Guatemala, in order to learn something of the responses of these plants in the regions where they are located. In addition, exploratory expeditions were made to the Guatemalan highlands in search of new corn varieties, teosinte and species of *Tripsacum*.

Cooperating with the college in the establishment of the center are the Hacienda Company of Guatemala, the Guatemalan Agriculture Association, the Ministry of Agriculture of Guatemala, the United Fruit Company, and the United States Department of Agriculture through its Cooperative Research Program with Guatemala.

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